

and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Olivita Brand Olio This can contains a delicious, blended salad oil composed of eighty-five percent choice vegetable oil and fifteen percent pure imported virgin Olive Oil Olivita Brand Oil \* \* \* Wesson Oil & Snowdrift Sales Co., New York."

It was alleged in the libel that the article was misbranded in that the designation on the label, "Olivita Brand Olio", was false and misleading and deceived and misled the purchaser, when applied to an oil consisting of a large proportion of cottonseed oil and a small amount of olive oil.

On March 24, 1933, the Wesson Oil & Snowdrift Sales Co., New York, N.Y., claimant, having admitted the allegations of the libel and having consented to the condemnation of the property, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be returned to the factory and removed from the cans, that the cans be destroyed and that the oil should be disposed of only in compliance with the law, State and Federal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20793. Adulteration of strawberry preserves. U. S. v. 93 Cases of Strawberry Preserves. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29772. Sample no. 31042-A.)**

This case involved a quantity of strawberry preserves that were found to be moldy.

On January 21, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 93 cases of the said strawberry preserves at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 27, 1932, by Dyson Shipping Co., from Seattle, Wash., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jars) "Paragon Brand Strawberry Preserves \* \* \* Packed by Pacific Manufacturing Co., Seattle Wash."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 3, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20794. Adulteration and misbranding of Swiss cheese. U. S. v. 1 Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29754. Sample no. 33477-A.)**

This case involved an interstate shipment of a product represented to be Swiss cheese and which contained less than 45 percent of butterfat. The standard for Swiss cheese does not recognize a product containing less than 45 percent of fat on a moisture-free basis as Swiss cheese.

On January 16, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of one cheese at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 28, 1932, by Arn & Zweifel (Arn & Zweifel Co.), from Monticello, Wis., to Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was part of a shipment invoiced "2 Casks Swiss Cheese", the invoice bearing the further statement, "Swiss Cheese Containing less than 45% Butterfat."

It was alleged in the libel that the article was adulterated in that a substance deficient in fat had been substituted for Swiss cheese, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, i.e., it was invoiced as "Swiss Cheese", and the standard for Swiss cheese does not recognize a product containing less than 45 percent of fat on the moisture-free basis as Swiss cheese.

On February 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*